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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 19th February 1955.

Issue No.	No. and date	Issued by	Subject
53	S.R.O. 385, dated the 12th February 1955.	Ministry of Commerce and Industry.	Amendment made in the Textile Commissioner's Notification No. 80-Tex.1/48 (iii), dated the 2nd August 1948.
54	S.R.O. 386, dated the 15th February 1955.	Ditto	Amendment made in the Second Schedule to the Indian Tariff Act, 1934 (XXXII of 1934).
55	S.R.O. 387, dated the 15th February 1955.	Election Commission, India	Election to the Council of States by the elected members of the Legislative Assembly of the State of Uttar Pradesh.
	S.R.O. 388, dated the 15th February 1955.	Ditto	Appointment of dates for making nominations, scrutiny of nominations, withdrawal of candidature etc. for election to the Council of States from the State of Uttar Pradesh.
	S. R. O. 389, dated the 15th February 1955.	Ditto	Designating the Secretary, Uttar Pradesh Legislative Assembly, to be the Returning Officer for election to the Council of States.
	S. R. O. 390, dated the 15th February 1955.	Ditto	Appointment of Assistant Secretary, Uttar Pradesh Legislative Assembly, to assist the Returning Officer in election to the Council of States.
56	S. R. O. 391, dated the 15th February 1955.	Ministry of Commerce and Industry.	The Central Government fixes the maximum and minimum prices for the various grades and qualities of Rubber.

Issue No.	No. and date	Issued by	Subject
57	S. R. O. 392, dated the 16th February 1955.	Delimitation Commission, India.	Final Order No. 23.
58	S. R. O. 393, dated the 16th February 1955.	Ditto	Corrections in the Delimitation Commission's Final Order No. 16, dated the 30th August 1954
59	S. R. O. 394, dated the 12th February 1955.	Election Commission, India.	Amendment made in Election Commission's Notification No. 62/8/51-Elec. II (1), dated the 16th October 1951.
60	S. R. O. 429, dated the 16th February 1955.	Ministry of Food and Agriculture.	Fixation of minimum price of sugarcane for the crushing season 1954-55.
61	S. R. O. 430, dated the 18th February 1955.	Ministry of Finance (Revenue Division.)	Exemption from payment of customs duty leviable on Coffee when exported out of India or the State of Pondicherry.

Copies of the Gazettes extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue o this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

ELECTION COMMISSION, INDIA

New Delhi, the 17th February 1955

S.R.O. 434.—It is hereby notified for general information that the disqualification under section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. BL-P/52(1), dated the 17th March, 1952, has been removed by the Election Commission in exercise of the powers conferred on it by section 144 of the said Act:—

Shri Hargobind Singh, s/o Shri Shib Singh, resident of Village Dharar, Pargana Gerhvin, Bilaspur District, (Himachal Pradesh).

[No. HP-P/52(11).]

By Order,

K. S. RAJAGOPALAN, Asstt. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi. the 17th February 1955

S.R.O. 435.—In exercise of the powers conferred by article 221 of the Constitution of India, as applied to the States in Part B of the First Schedule by clause (13) of article 238 thereof, the President after consultation with the Rajpramukh of the State of Rajasthan, hereby makes the following Order:—

namely:—

1. (1) This Order may be called the Rajasthan High Court Judges (Salaries) (Amendment) Order, 1955.

(2) It shall come into force on the 1st day of March, 1955.

2. In paragraph 3 of the Rajasthan High Court Judges (Salaries) Order, 1951, against the entry "Any other Judge" for the figures and word "2,000 rupees" the figures and word "2,500 rupees" shall be substituted.

[No. 10/4/55-Judl.]

M. GOPAL MENON, Dy. Secy.

New Delhi, the 18th February 1955

S.R.O. 436.—In exercise of the powers conferred by clause (1) of article 239 of the Constitution, the President hereby directs that all orders and other instruments made and executed in the name of the Chief Commissioner of Manipur shall be authenticated by the signature of the Chief Secretary, a Secretary or an assistant Secretary, in any of the departments of Government in the State of Manipur.

[No. D.810-Poll.II/55.]

N. SAHGAL, Dy. Secy.

ORDER

New Delhi, the 16th February 1955

S.R.O. 437.—In exercise of the powers conferred by sub-section (2) of section 63 of the Andhra State Act, 1953 (30 of 1953), the President hereby requires all persons specified by name in column (1) or by official designation in column (2) of the Schedule to this Order, to serve in connection with the affairs of the State of Andhra, as allotted officers or as transferred officers, as stated in the corresponding entries in column (3) of the said Schedule.

SCHEDULE

Name of the Officer	Official Designation	Allotted or transferred Officer
1	2	3
EDUCATION DEPARTMENT, MADRAS		
HISTORY		
Smt. M. Lakshminarasamma	Temporary Assistant Lecturer in History, Government College for Women, Guntur.	Allotted Officer.
Sri A. Obeiah . . .	Temporary Assistant Lecturer, Government Arts College, Cuddapah.	Do.
Kumari T. Sugunamani .	Temporary Assistant Lecturer, Government College for Women, Guntur.	Do.
Sri D. Mariappa . .	Officiating Assistant Lecturer for the shortened B. T. Course, Government Training College, Rajahmundry.	Transferred Officer.
Kumari G. Sharada Devi .	Temporary Assistant Lecturer, Government Arts College, Rajahmundry.	Allotted Officer.
ECONOMICS		
Sri P. P. Menon . .	Temporary Assistant Lecturer in Economics, Government Arts College, Cuddapah.	Allotted Officer.
Sri T. Venkatesan . .	Officiating Temporary Assistant Lecturer in Economics, Government Arts College, Rajahmundry.	Transferred Officer.

1	2	3
	LOGIC	
Smt. Y. Pankajam . .	Temporary Assistant Lecturer in Logic Government College for Women, Guntur.	Allotted officer.
Sri Jayapal . . .	Temporary Assistant Lecurer in Logic, Government Arts College, Rajahmundry.	Allotted officer.
	GEOLOGY	
	Part Time Lecturers.	
Sri M. Bulli Abbayi .	Temporary part-time Lecturer in Mercantile Law, Government Arts College, Rajahmundry.	Allotted Officer.
Sri T.S.R. Jagannatha Rao	Temporary part-time Lecturer in Commerce, Government Arts College, Rajahmundry.	Do.
Kumari J. Venku Bai .	Officiating Assistant Lecturer in Natural Science, Government Training College, Rajahmundry.	Do.
Sri G. Suryanarayana .	Officiating Assistant Lecturer in Telegu Pandit's Training class attached to the Government Training Coiege, Rajahmundry.	Do.
Sri S. Viswanathan . .	Officiating Temporary Assistant Lecturer in Geology, College of Engineering, Kakinada.	Transferred Officer.
	VISAKHAPATNAM DISTRICT	
Sri Syed Amir Ali . .	Temporary Deputy Inspector of Schools, Visakhapatnam, Urdu Range.	Allotted Officer.
	CHITTOR DISTRICT	
	Deputy Inspectors of Schools, undergoing re-training in Basic Education.	
Sri B. Lakshminarayana Sastri.	Officiating Deputy Inspector of Schools, Kalahasti Range.	Allotted Officer.
Sri B. Narasimha Rao .	Officiating Deputy Inspector of Schools, Yellamanchilli Range.	Do.
Sri B.V. Subba Rao . .	Officiating Deputy Inspector of Schools, Sompeta.	Do.
Sri R.V. Satyanarayanamurthi.	Officiating Deputy Inspector of Schools Srikakulam West.	Do.
Sri B. Raja Rao .	Deputy Inspector of Schools, Visakhapatnam, Urdu Range.	Do
Sri C. V. Seshaiah . .	Officiating Deputy Inspector of Schools, Pulivendla.	Do.
Sri Y. Gopala Rao . .	Officiating Deputy Inspector of Schools, Dhone Range	Do.
Sri G. Madhava Rao . .	Officiating Deputy Inspector of Schools, Atmakur (Kurnool District).	Do.
	Deputy Inspectors of Schools on leave.	
Sri G. Kamesam . .	Deputy Inspector of Schools (on leave)	Allotted Officer.
Sri M. L. Narayana Sastri	Do.	Do.
Sri V. Satyanarayana . .	Do.	Do.
Sri P. V. Ramasastri . .	Do.	Do.

1	2	3
	Government Basic Training Schools, Andhra Area Headmasters and School Assistants.	
Sri A. Ramasomayajulu	Schools Assistant, Government Training School, Amalapur.	Allotted Officer.
Sri S. Narasinga Rao	School Assistant, Government Training School, Nellore.	Do.
Sri A. Srinivasan	School Assistant Government Training School, Kurnool.	Do.
Sri G. Suryanarayana Rao	School Assistant, Model High School, Government Training College, Rajahmundry (on leave).	Do.
Sri A. S. Jayanandam	School Assistant, Government Training School, Chittoor (on leave).	Do.
	Under re-training in Basic Education	
Sri K. Ananda Rao	School Assistant, Government Training School, Anantapur.	Allotted Officer.
Sri K. Issac	School Assistant, Government Training School, Anantapur.	Do.
Sri C. Butchayya	School Assistant, Government Training School, Guntur.	Do.
Sri V. Sriramamurthi	School Assistant, Government Training School, Masulipatnam.	Do.
Sri D. Venkateswarulu	School Assistant, Government Training School, Nellore.	Do.
Sri R. V. Ramamurthi	School Assistant, Government Basic Training School, Parvatipur.	Do.
Sri D. Appa Rao	School Assistant, on other duty as Headmaster, Government Harijan High School, Masullpatnam.	Do.
Sri A. A. Mallikarjunudu	Deputy Inspector of Schools, on other duty in the Community Project Centre, Peddapuram.	Do.
	Government High School for Girls, Proddatur	
Kumari V. Peter	School Assistant on leave	Allotted Officer.
Kumari R. C. S. Kamala	School Assistant undergoing Basic Training at Pentapadu.	Do.
Smt. G. H. Nicodemus	School Assistant on leave	Do.
Kumari B. Rajarathnamma	Schools Assistant undergoing Basic Training at Pentapadu.	Do.
	MATHEMATICS	
Sri B. Suryanarayanamurthy.	Officiating Tutor, Government Arts College, Rajahmundry.	Allotted Officer
	TELUGU	
Sri Y. Suryanarayana	Officiating Tutor, Government Arts College, Anantapur.	Allotted Officer
Sri K. U. R. Krishna	Officiating Tutor, Government Arts College, Srikakulam.	Do.
	BASIC EDUCATION	
Sri A. V. V. Narasinga Rao	Tutor, Government Training College, Rajahmundry.	Allotted Officer

1	2	3
	PHYSICS	
Sri S. Sarvotham an	Demonstrator, College of Engineering, Kakinada.	Allotted Officer
Sri V. L. Narasimhan	Demonstrator, Government Arts College, Srikakulam.	Do.
Sri N. Raghunathan	Demonstrator, Government Arts College, Anantapur.	Transferred Officer
	CHEMISTRY	
Sri G. V. G. Krishna Rao	Demonstrator (Government Arts College, Rajahmundry) on leave undergoing post-graduate course.	Allotted Officer.
Smt. K. Rohini Bala	Demonstrator (Government Arts College, Rajahmundry) on leave undergoing post-graduate course.	Do.
Kumari K. Sarojini John	Former Demonstrator, Government Arts College, Anantapur (now on leave undergoing post-graduate course)	Do.
	MISCELLANEOUS	
Smt. G. Lakshmamma	Schools Assistant, Government High School for Girls, Bellary.	Allotted Officer.
Smt. S. Annapurna Roberts	Do.	Do.
Kumari T. Sujanna	Do.	Do.
Kumari T. J. Nathaniel	Do.	Do.
Sri N. V. Subbiah	Formerly Assistant Lecturer in Physics Government Arts College, Anantapur, relieved on 12-10-48 as Assistant Engineer (Radio).	Do.
Sri. V. Sreeramamurthy	Formerly Assistant Lecturer in Physics, Government Arts College, Anantapur, relieved on 25-9-50 for appointment in the I. A. F.	Do.
Sri V. B. Ananda Sarma	Formerly Assistant Lecturer in Mathematics, College of Engineering, Kakinada, relieved on 29-8-50 for appointment as Civilian Education Officer in Defence Services.	Do.
Sri G. Prabhakara Rao	Formerly Assistant Lecturer of Geology College of Engineering, Kakinada, relieved on 27-9-50.	Do.
Sri K. Umamaheswara Rao.	Formerly Assistant Lecturer in Mathematics, College of Engineering, Guindy (now on study leave in the United Kingdom).	Do.
Sri K. Umavaramurthy	Formerly Assistant Lecturer in History, Government Arts College, Cuddapah, now on extra-ordinary leave without allowances.	Do.
Sri N. S. Ramamoorthy	Attender, Office of the Commissioner for Government Examinations, Madras.	Allotted Officer.
B. Chockalingam	Peon	Do.	Do.
V. Elumalai	Peon	Do.	Do.
K. Vittal Rao	Peon	Do.	Do.
Thillainathan	Peon	Do.	Do.
V. Munuswamy	Peon	Do.	Do.

1	2	3
Sri K. Venkateswarlu . .	Auditor, Office of the Director of Public Instruction, Madras.	Allotted Officers,
Sri V. Lakshmiraghavan .	Lower Division Clerk, College of Engineering, Guindy.	Do.
Sri N. Narasimhan . .	Do.	Do.
Sri P. S. Gopalakrishnan .	Temporary Attender, Presidency College, Madras.	Do.
Sri S. Abdul Khader . .	Attender, Government Oriental Manuscripts Library, Madras.	Do.
B. Nookiah . . .	Peon, Office of the Director of Public Instruction, Madras (Under suspension).	Do.
K. Narasiah . . .	Peon, Office of the Director of Public Instruction, Madras.	Do.
P. M. Veerabhadran . .	Do.	Do.
T. Krishnan . . .	Do.	Do.
P. S. Balasunramaniam .	Do.	Do.
K. L. Thandavarayan .	Do.	Do.
K. Varadan . . .	Do.	Do.
K. Swamikannu . .	Do.	Do.
Narasimhaly Naidu . .	Do.	Do.
N. Vasudevan . . .	Do.	Do.
M. Govindaswamy . .	Do.	Do.
Jayaraman	Do.	Do.
S. D. Sarangapani .	Do.	Do.
S. K. Mannan . . .	Do.	Do.
K. G. Bhoopalan . .	Do.	Do.

[No. 26/4/53-AIS(I)]

N. N. CHATTERJEE, Dy. Secy.

ORDER

New Delhi, the 18th February 1955

S.R.O. 438.—In pursuance of clause (22) of Article 366 of the Constitution of India the President is hereby pleased to recognise Raja Krushna Chandra Birbar Mangaraj Mahapatra, as the Ruler of Baramba with effect from the 15th October 1954 in succession to the late Raja Narayan Chandra Birbar Mangaraj Mahapatra.

[No. F.20/11/54-PB.]

V. VISWANATHAN, Joint Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

CHARTERED ACCOUNTANTS

New Delhi, the 18th February 1955

S.R.O. 439.—In exercise of the powers conferred by clause (b) of sub-section (2) of section (9) of the Chartered Accountants Act, 1949, the Central Government is pleased to nominate Shri B. K. Kaul, I.C.S., Deputy Secretary to the Government of India in the Ministry of Finance, to the Council of the Institute of Chartered Accountants of India *vice* Shri P. D. Kasbekar, I.A.S., resigned.

[No. 65(2)-ICA/55.]

S. G. BARVE, Joint Secy.

(Department of Economic Affairs)

CHARTERED ACCOUNTANTS

New Delhi, the 22nd February 1955

S.R.O. 440.—In pursuance of clause (ii) of regulation 15A of the Chartered Accountants Regulations, 1949, the Central Government hereby recognises the following examinations as equivalent to the Intermediate Examination of any of the Universities mentioned in clause (v) of regulation (2) of the said regulations, namely:—

1. The Intermediate Examination of a University constituted by law in India or of a Board of Intermediate Examination in India established by a Government Resolution, or of a University in Great Britain and Northern Ireland.
2. The First Year Examination of the three-year degree course of the Delhi University.
3. The Pre-Engineering Examination of the Delhi Polytechnic.
4. The Final Examination of the Government Commercial Institute Calcutta.
5. The Pre-Medical Examination of the Delhi University.
6. The Cambridge Higher School Certificate Examination.
7. The Examination for the Diploma of Licentiate of Arts of St. Andrew's University.
8. The Higher Oxford Certificate Examination with a combination of subjects considered by the Academic Council to be equivalent to that prescribed for the Intermediate Arts and Science Examination of the Nagpur University.
9. The Commercial Diploma Examination of the Board of High School and Intermediate Education, Uttar Pradesh.
10. The Diploma in Commerce awarded by the late Government Commercial Institute, Delhi.
11. The Degree Examination of Shreemati Nathibai Damodar Thackersey Indian Women University, Bombay.
12. Diploma of the Government Commercial Examinations of Calcutta, Delhi, Madras and Bombay.

[No. 61(1)-ICA/55.]

B. K. KAUL, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

CUSTOMS

New Delhi, the 26th February 1955

S.R.O. 441.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby exempts calcium silicide falling under item 70(1) of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), and imported into India or the State of Pondicherry, as the case may be, from so much of the duty of customs leviable thereon as is in excess, of 1917/32 per cent. *ad valorem*, and also from the whole of the additional duty leviable thereon under any law for the time being in force.

[No. 34.]

S.R.O. 442.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the

Finance Department (Central Revenues), No. 33-Customs, dated the 22nd June 1935, namely:—

In the said notification, in Schedule I—Import Duties, under the head "A-General", in column 2 against entry 28-E, for the words "not more than twelve annas", the words "not more than one rupee and eight annas" shall be substituted.

[No. 36.]

E. RAJARAM RAO, Jt. Secy.

CUSTOMS

New Delhi, the 26th February 1955

S.R.O. 443.—In exercise of the powers conferred by sub-section (3) of section 43 B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby makes the following amendments in the Customs Duties Drawback (Linoleum) Rules, 1954, the same having been previously published as required by sub-section (3) of the said section, namely:—

In the said Rules—

(1) in rule 5—

(i) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

"(1) A drawback admissible under these rules shall apply only in respect of the goods manufactured by a person registered under, and for the purposes of, these rules by a Chief Customs Officer, authorised in this behalf by the Chief Customs Authority (hereinafter referred to as the authorised Chief Customs Officer).

(2) An application for registration shall be made by a manufacturer of the goods to the authorised Chief Customs Officer.";

(ii) for sub-rules (4) and (5), the following sub-rules shall be substituted, namely:—

"(4) The authorised Chief Customs Officer may, if satisfied that the provisions of these rules have been complied with, register the applicant as a registered manufacturer.

(5) Subsequent to such registration, a registered manufacturer shall not alter the composition formula of any brand or variety of the goods, or the quantity of different imported materials used in the manufacture of such goods, except with the prior approval of the authorised Chief Customs Officer.

(6) Any registered manufacturer contravening the provision of the last preceding sub-rule shall render himself liable to have his registration cancelled, without prejudice to any other penalty to which he may be subject under the Act and these rules.";

(2) in rule 6—

sub-rules (1) and (2) shall be renumbered as sub-rules (2) and (3) respectively, and before sub-rule (2) as so re-numbered, the following sub-rule shall be inserted, namely:—

"(1) Where the Customs Collector is satisfied that a claim for the drawback is established under these rules, such drawback shall be paid at the rate specified hereunder."; and

(3) for rule 9 the following rule shall be substituted, namely:—

"9 *Access to manufactory*.—A registered manufacturer of the goods in respect of which a drawback is claimed shall be bound to give access to every part of his manufactory to an officer of the Central Government specially authorised in this behalf by the authorised Chief Customs Officer to enable the Officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for the drawback."

[No. 31.]

[F. No. 32/9/54-Cus. I.]

S.R.O. 444.—In exercise of the powers conferred by sub-section (3) of section 43 B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following amendments shall be made in the Customs Duties Drawback (Dry Radio Batteries) Rules, 1954, the same having been previously published as required by sub-section (3) of the said section, namely:—

In the said Rules—

(1) in rule 5—

(i) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

"(1) A drawback admissible under these rules shall apply only in respect of the goods manufactured by a person registered under, and for the purposes of, these rules by a Chief Customs Officer, authorised in this behalf by the Chief Customs Authority (hereinafter referred to as the authorised Chief Customs Officer).

(2) An application for registration shall be made by a manufacturer of the goods to the authorised Chief Customs Officer."

(ii) for sub-rules (4) and (5), the following sub-rules shall be substituted, namely:—

"(4) The authorised Chief Customs Officer may, if satisfied that the requirements of sub-rule (3) have been fulfilled, register the applicant as a manufacturer for the purpose of these rules,

(5) Subsequent to such registration, the registered manufacturer shall not alter the composition or formula of any brand or variety of the goods, or the quantity of different imported materials used in their manufacture, without the prior approval of the authorised Chief Customs Officer.

(6) Any registered manufacturer contravening the provisions of the last preceding sub-rule shall render himself liable to have his registration cancelled, without prejudice to any other penalty to which he may be subject under the Act and these rules.";

(2) Sub-rules (1), (2) and (3) of rule 6 shall be re-numbered as sub-rules (2), (3) and (4) respectively of the said rule, and before sub-rule (2) as so re-numbered, the following sub-rule shall be inserted namely:—

"(1) Where the Customs Collector is satisfied that a claim for the drawback is established under these rules, such drawback shall be paid at the rate specified hereunder."; and

(3) for the figure and brackets "(4)" occurring in sub-rule (2) of rule 7, the figure and brackets "(5)" shall be substituted.

[No. 32.]

[F. No. 48(18)-Cus. I/53.]

S.R.O. 445.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby makes the following amendments in the Customs Duties Drawback (Plastic Goods) Rules, 1954, the same having been previously published as required by sub-section (3) of the said section, namely:—

Amendments

In the said rules—

(1) in rule 2—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) 'moulding powder' means any of the following moulding powders, that is to say—

(i) Polystyrene moulding powder,

(ii) cellulose acetate moulding powder,

(iii) cellulose acetate butyrate moulding powder, or

(iv) urea formaldehyde moulding powder,

if imported into India on payment of duty of customs;" and

(ii) for clause (c), the following clause shall be substituted, namely:—

"(c) 'plastic goods' means—

(i) all articles or any single article of any description, or

(ii) all component parts or a single component part of such articles or article, which are, or each of which is, manufactured in India wholly from any one, and not more than one, of the varieties of the moulding powder within the meaning of clause (b) of this rule";

(2) in rule (5)—

for sub-clause (ii) of clause (a), the following sub-clause shall be substituted, namely:—

"(ii) that to the best of his knowledge and belief, the plastic goods in respect of which the drawback is being claimed has been manufactured wholly from any one, but not more than one, of the varieties of the moulding powder";

(3) for rule 6, the following rule shall be substituted, namely:—

"*Rate of drawback.*—Where the Customs Collector is satisfied that a claim for a drawback is established under these rules, such drawback shall be paid at the rates specified below, namely:—

Variety of moulding powder	*Rate of drawback per each pound of plastic goods shipped*
(1) Polystyrene moulding powder	seven annas ;
(2) Cellulose acetate moulding powder	four annas and eleven pies ;
Cellulose acetate butyrate moulding powder	four annas and four and half pies ;
(4) Urea formaldehyde moulding powder	five annas and two pies ;

Provided that where it is established to the satisfaction of the Chief Customs Officer that a shipper is entitled to a higher rate of drawback per pound of the plastic goods of cellulose acetate or cellulose acetate butyrate entered for export on the basis of the seven-eight of the amount of duty paid on cellulose acetate or cellulose acetate butyrate moulding powder used in the manufacture of such goods, a drawback at such higher rate may be allowed by the Chief Customs Officer".

[No. 28.]

[F. No. 48(11)-Cus.I/53.]

JASJIT SINGH, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 16th February 1955

S.R.O. 446.—[55/52/54-I.T.3.].— In exercise of the powers conferred by sub-section (6) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922) the Central Board of Revenue hereby directs that the following further amendment shall be made in the schedule appended to its Notification S.R.O. 1214 (No. 44-Income-tax), dated the 1st July 1952, namely:—

In the said schedule, in Column 2 against Serial No. 78-A, *for* the existing entry, the following entry shall be substituted, namely:—

"Companies, not assessed through statutory agents under section 43, the control and management of whose affairs was, during any previous year falling wholly or partly within the period beginning on the 1st day of September, 1939, and ending on the 31st day of March 1946, not directed wholly from any area situated wholly in the taxable territories as defined in sub-clauses (a), (b) and (c) of clause (14-A) of section 2, in respect of assessment or re-assessment for any period prior to the 1st April, 1949."

[No. 9.]

G. L. POPHALE, Secy.

INCOME-TAX

New Delhi the 19th February 1955

S.R.O. 447.—**[55/108/54-I.T.-4]**.—In exercise of the powers conferred by sub-section (6) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922) the Central Board of Revenue directs that the following further amendment shall be made in its notification S.R.O. 1214 (No. 44-Incometax) dated the 1st July 1952, namely:

In the schedule to the said notification, under item No. 78, the following entry shall be added, namely:—

2	3	4	5	6
(t) If the application is made to the Incometax Officer, Foreign Section, Ahmedabad.	Incometax Officer, Foreign Section, Ahmedabad.	Inspecting Assistant Commissioner, Ahmedabad Range, Ahmedabad.	Appellate Assistant Commissioner Ahmedabad Range III, Ahmedabad.	Commissioner of Income tax, Bombay North, Kutch and Saurashtra, Ahmedabad.

[No. 10.]

K. B. DEB, Under Secy

MINISTRY OF COMMERCE AND INDUSTRY

TRADE MARKS

New Delhi, the 23rd February 1955

S.R.O. 448.—In pursuance of sub-section (2B) of section 4 of the Trade Marks Act, 1940 (V of 1940), the Central Government hereby authorises the Registrar of Trade Marks, Bombay, to delegate the functions specified in Part I of the Schedule hereto annexed to an Assistant Registrar of Trade Marks and the functions specified in Part II of the said schedule to an Examiner of Trade Marks.

THE SCHEDULE

Part I.—Functions which may be delegated to an Assistant Registrar of Trade Marks:

(a) Passing orders and dealing with correspondence in respect of applications for registration except passing orders of refusal.

(b) Taking hearings in respect of applications for registration.

(c) Taking hearings in respect of opposition and rectification proceedings.

(d) Interviewing applicants for registration as Trade Marks Agents.

(e) Passing orders in respect of proceedings under section 33, 35, 37, 41, 42, 47 and 48 of the Trade Marks Act, 1940 (V of 1940).

(f) Passing orders as to acceptance of applications (other than those for registration of certification Trade Marks and defensive Trade Marks), treating of applications as abandoned for non-compliance with official requirements and removal of marks from the Register for non-payment of renewal fees.

(g) Issuing certificates under section 75 of the Trade Marks Act, 1940 (V of 1940).

Part II.—Functions which may be delegated to an Examiner of Trade Marks:

(i) Acknowledging receipt of notice of opposition, counter statement, evidence in support of opposition or application and sending such documents to the parties concerned as required under the Trade Marks Act or the Trade Marks Rules made thereunder.

(ii) Granting extensions of time according to the general directions of the Registrar (other than extensions of time to file appeals).

(iii) Correspondence in respect of applications for registration, advertisement of applications and fixing up of hearings.

(iv) Passing orders for association.

(v) Correspondence relating to printing blocks and advertisement of applications in the Trade Marks Journal.

(vi) Issue of notices under rules 24(2), 40 and 47 of Trade Marks Rules, 1942.

(vii) Making entries in the Register and issuing certificates of registration.

[No. 8(9)-TM&P(TM)/55.]

K. N. SHENOY, Dy. Secy.

MINISTRY OF FOOD & AGRICULTURE

New Delhi, the 17th February 1955

S.R.O. 449.—In pursuance of the provisions of Sub-section (t) of Section 4 of the Indian Oilseeds Committee Act 1946 (IX of 1946), the Central Government hereby nominates Shri Laxminivas Ramlal Generiwal, M.L.A., Scetarambagh, Hyderabad and Shri N. V. Naidu, P.O Pakala, District Chittor (Madras) to be members of the Indian Central Oilseeds Committee with effect from the 1st April, 1955 for a period of 18 months *i.e.*, upto 30th September, 1956.

[No. F.6-4/55-Com.I.]

New Delhi, the 18th February 1955

S.R.O. 450.—In pursuance of the provisions of Sub-section (f) of Section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Bihar have re-nominated Shri Banarsi Lal Kotriwala, Bihar Chamber of Commerce, Bhagalpur, as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1955.

[No. F. 6-1/55-Com-I.]

New Delhi, the 21st February 1955

S.R.O. 451.—In pursuance of the provisions of sub-section (f) of section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Uttar Pradesh have re-nominated Shri Shiv Shankar Singh, B.A., Village and Post Office Sarawan, District Jalaun, U.P., as a member of the Indian Central Oilseeds Committee with effect from the 1st April, 1955.

[No. F.6-1/55-Com-I.]

S.R.O. 452.—In pursuance of the provisions of sub-section (f) of section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Uttar Pradesh have nominated Shri Tirlochan Singh of Bhadri, District Partapgarh (U.P.), as a member of the Indian Central Oilseeds Committee with effect from the 1st April, 1955 *vice* Shri S. Iqbal Singh.

[No. F.6-1/55-Com-I.]

F. C. GERA, Under Secy.

MINISTRY OF HEALTH

New Delhi-2, the 10th February 1955

S.R.O. 453.—The following draft of certain further amendments in the Drugs Rules, 1945, which it is proposed to make after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by section 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said section, for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after the 19th May, 1955.

2. Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

Draft Amendments

A. In the said Rules—

For rule 74, the following rule shall be substituted, namely:—

"74. *Conditions of licence.*—A licence in Form 25 shall be subject to the conditions stated therein and to the following conditions:—

(a) The licensee shall provide and maintain adequate premises, staff and plant for the proper manufacture and storage of the drugs in respect of which the licence is issued;

(b) the licensee shall either—

(i) provide and maintain adequate premises and equipment for carrying out the required tests of the strength, quality and purity of the products manufactured or

(ii) make arrangements with some institution approved by the licensing authority for such tests to be regularly carried out on his behalf by that institution;

(c) The licensee shall keep records of the details of manufacture of each batch of the substance which is issued for sale and of the application of the tests thereto in such forms to be available for inspection and to be easily identified by reference to the number of the batch as shown on the label of the container and such records shall be retained for a period of ten years;

(d) the licensee shall allow any inspector authorised by the licensing authority in that behalf to enter, with or without notice, and premises where the manufacture is carried on and to inspect the plant and the process of manufacture and the means applied for standardising and testing of the substance;

(e) the licensee shall allow an Inspector authorised by the licensing authority to inspect all registers and records maintained under these rules and to take samples of the manufactured product and shall supply to the Inspector such information as he may require for the purpose of ascertaining whether the provisions of the Act and Rules thereunder have been observed,

(f) the licensee shall from time to time report to the licensing authority any changes in the expert staff responsible for the manufacture or testing of the substance and any material alterations in the premises or plant used for that purpose which have been made since the date of the last inspection made on behalf of the licensing authority before the issue of licence;

(g) the licensee shall on request furnish to the licensing authority or such other authority as the licensing authority may direct from every batch of the substance, or from such batch or batches as the licensing authority may from time to time specify, a sample of such amount as the authority may consider adequate for any examination required to be made and the licensee shall, if so required, furnish full protocols of the tests which have been applied;

(h) if the licensing authority so directs, the licensee shall not sell or offer for sale any batch in respect of which a sample is drawn, or protocols are furnished under the last preceding sub-paragraph, until a certificate authorising the sale of the batch has been issued to him by or on behalf of the licensing authority;

(i) the licensee shall, on being informed by the licensing authority that any part of any batch of the substance has been found by the licensing authority not to conform with the standards of strength, quality or purity specified in these rules, and on being directed so to do, withdraw the remainder of that batch from sale and so far as may in the particular circumstances of the case be practicable, recall all issues already made from that batch;

(j) no drug manufactured under the licence shall be sold unless the precautions necessary for preserving its properties have been observed throughout the period after manufacture;

(k) the licensee shall comply with the provisions of the Act and of those rules and with such further requirements, if any, as may be specified in any Rules subsequently made under Chapter IV of the Act, of which the licensing authority has given the licensee not less than four months' notice;

(l) the licensee shall, if demanded by a purchaser, furnish a warranty either in Form 22 or Form 23."

B. In the Schedules annexed to the said Rules—

In Schedule A—in Form 25—

(a) for paragraph 1 the following paragraph shall be substituted, namely:—

".....is hereby licensed to manufacture at the premises situated at.....the following drugs, being drugs other than drugs specified in Schedules C and C(1) to the Drugs Rules, 1945:—

Names of Drugs."

(b) after paragraph 1 the following new paragraph shall be added, namely:—

"2. Names of approved expert staff."

(c) the existing paragraphs 2, 3 and 4 shall be renumbered as paragraphs 3, 4 and 5.

(d) after condition 2, the following condition shall be inserted, namely:—

"3. If the licensee wishes to undertake during the currency of the licence the manufacture of any drug other than drugs specified in Schedules C and C(1) not included above, he shall apply to the licensing authority for permission to manufacture the drug. This licence will be deemed to authorise the manufacture of any drug in respect of which such permission has been given."

[No. F.1-43/54-DS.]

KRISHNA BIHARI, Under Secy.

MINISTRY OF REHABILITATION

New Delhi the 19th February 1955

S.R.O. 454.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee property being a purpose referred to in sub-section (1) of section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954).

Now, therefore, in exercise of the powers conferred by the said sub-section, it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee property (urban agricultural land) specified in the Schedule annexed herewith.

The Schedule

All urban agricultural lands in Basti Danishmandan Had-Bast No. 112 suburb of Jullundur city, Tehsil and District Jullundur in the State of Punjab as detailed in the Jamanbandi for the year 1950-51, Basti Danishmandan, except the following:—

(i) Evacuee area under mortgage:
1811/484,
1812/484, 485, 634,
1640/666,
1623/667,
1626/668, 561, 1244, 334,
1443/545,
1254/497.

(ii) Grave Yard and Marian:
554, 602,
1289/1244, 1152, 1215, 607, 526, 314, 316, 937,
1889/309,
188/309,
1890/310,
1748/1508,

1750/1510, 996, 511, 598, 600,
1219-
1654/938—941,
1655/938

(iii) Mosque and Takya:
855, 524.

[No. F.15(4)-SI/55.]

M L. PURI, Under Secy.

MINISTRY OF COMMUNICATIONS

ORDER

New Delhi, the 22nd February 1955

S.R.O. 455.—In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby exempts for a further period up to 31st December, 1955, applicants for first class Navigators licence from the operation of sub-paragraph (2) of paragraph 1 of Section E of Schedule II of the said Rules in so far the said sub-paragraph requires such persons to hold a second class Navigator's licence for at least one year and to produce evidence of having had at least four years' air experience.

[No. AR/1937(1)/10-A/5-55.]

D. R KOHLI Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

LIGHTHOUSES

New Delhi, the 17th Febraury 1955

S.R.O. 456.—In pursuance of sub-section (1) of Section 4 of the Indian Lighthouse Act, 1927 (XVII of 1927), the Central Government has been pleased to appoint a Central Advisory Committee for Lighthouses for a period of two years from the date of this Notification, consisting of the following persons:—

Chairman

Secretary to the Government of India, Ministry of Transport (ex-officio) or an officer deputed by him to act as Chairman on his behalf

Members

1. Director General of Shipping, Bombay, (ex-officio).
2. Nautical Adviser to the Government of India, (ex-officio)
3. A representative of the Ministry of Finance (Communication Division) (ex-officio).
4. Deputy Secretary in charge of the Lighthouse Department, Ministry of Transport (ex-officio).
5. Shri Bijoy Prasad Singh Roy, Director, India Steamship Co. Ltd., D 1-Clive Building, Calcutta,
6. Shri G. T Kamdar, C/o Bharat Line Ltd., Mehta House, Apollo Street, Fort, Bombay.
7. Shri J. R. Galloway, C/o Messrs Gordon Woodroffe and Co. (Madras) Ltd., Madras.
8. Shri M. A. Master, Raj Mahal, Juhu, Bombay 23.
9. Shri S. N. Surve, M.L.A., Ratnagri District.
10. Engineer-in-Chief Lighthouse Department, New Delhi (ex-officio)—Member Secretary.

[No. 15-M.T(3)/54.]

S. K. GHOSH, Dy. Secy.

(Transport Wing)

(PORTS)

New Delhi, the 18th February 1955

S.R.O. 457.—The following draft of certain rules, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), and in supersession of the rules published with the notification of the Government of India in the late Department of War Transport, No. 11-P(4)/42, dated the 30th March, 1943, and the notification of the former Government of Cochin, No. 157, dated the 7th May, 1943, is published, as required by sub-section (2) of the said section, for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after the 20th March, 1955.

Any objection or suggestion, which may be received from any person with respect to the said draft before the date specified, will be considered by the Central Government.

Draft Rules

1. (1) These rules may be called the Port of Cochin (Petroleum) Rules, 1955.

(2) They shall apply to the Port of Cochin.

2. The master of every vessel carrying petroleum in bulk as cargo on board or dangerous petroleum in bulk or cases as cargo on board shall, on arrival at the Port, hoist Flag B of the International Code of Signals at the fore and shall during the day keep such flag flying and during the night exhibit a red light at the fore or where it can best be seen.

3. Every harbour craft carrying petroleum shall exhibit during the day a large square red flag in such a position as may be visible all round the compass and during the night a red light visible all round the compass.

4. Vessels carrying petroleum shall normally be berthed in the special oil berth and shall not be piloted into port on the strength of the flood tide or taken out on the strength of the ebb tide.

Provided that in exceptional cases when oil berths are not available, owing to dredging operations or to lack of vacant oil berths, vessels carrying petroleum in bulk as cargo on board may be berthcrd in other berths, subject to the previous permission in writing of the Conservator of the Port.

5. No vessel carrying petroleum in bulk as cargo on board shall be taken amongst other shipping (unless proceeding to an oil berth or to another berth according to the directions of the Deputy Conservator) or berthed at a berth other than an oil berth or allowed to enter the Dry Dock until her Master produces a certificate granted by an officer appointed by the Central Government in this behalf that such officer has examined the tanks with the aid of a vapour testing instrument and that the vessel is free from dangerous vapour and is in a fit state to enter the dock.

6. No vessel carrying dangerous petroleum shall load discharge general cargo unless all the tank-hatches are effectively closed.

7. No member of the crew of any harbour craft going alongside a vessel carrying pertoleum shall have in his possession matches or any other inflammable material.

8. No harbour craft containing dangerous petroleum shall cast off in such manner as may involve risk of collision when other vessels are manoeuvring in the vicinity.

9. The master or any other person for the time being in charge of any vessel having petroleum on board shall take effective measures for preventing the escape of petroleum from the vessel by leakage or otherwise.

10. No vessel shall approach within 200 ft. of any vessel discharging dangerous petroleum in the Port of Cochin, except with the previous permission of the Conservator of the Port obtained in writing and in conformity with any direction that may be issued by him in that behalf.

11. The oil barges used for bunkering vessels in the harbour shall be seaworthy, manned, equipped, and employed in accordance with the Petroleum Rules, 1937.

Responsible Deck and Engine Room Officers of the ship shall supervise the operations and take all necessary safety precautions on board the vessel receiving oil bunkers.

[No. 6-PII(86)/53.]

A. V. SUBRAMANIA IYER, Under Secy.

(Transport Wing)

PORTS

New Delhi, the 21st February 1955

S.R.O. 458.—In pursuance of sub-section (2) of Section 9 of the Madras Port Trust Act, 1905 (Madras Act II of 1905) read with sub-section (1) of Section 20 of that Act, it is hereby notified that Shri C. G. Viswanathan has been elected by the Corporation of Madras to be a Trustee of the Port of Madras with effect from the 1st February 1955, *vice* Shri C. Padmanabhan.

[No. 13-PI(114)/54.]

New Delhi, the 22nd February 1955

S.R.O. 459.—In pursuance of the provisions of clause (3) of section 3 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby authorises Shri Mahmood Balcoo Jouley, Chief Officer of the Merchant Steam Navigation Company's Coasting Steamers, to pilot vessels in the Port of Bombay, subject to the restrictions laid down in Part XII of the Bombay Port Trust Pilotage By-Laws.

[No. 8-PI(16)/55.]

K. NARAYANAN, Under Secy.

MINISTRY OF LABOUR

New Delhi, the 15th February 1955

S.R.O. 460.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between certain employers in Bombay Port and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE No. 14 OF 1954

PRESENT

Shri L. P. Dave, B.A. LL.B.

PARTIES

The employers in relation to:

1. Messrs. S. D. Engineer & Sons., Imperial Chamber, Ballard Estate, Bombay.
2. Messrs. Universal Traffic Co., 146, Medows St., Bombay 1.
3. Messrs. K. M. Parikh & Co., Bombay.
4. Messrs. Manekji Sorabji, Bombay 1.
5. Messrs. S. R. Pusalkar & Co., Bombay.
6. Messrs. National Transport & Co., Bombay.
7. Messrs. Mehta & Patel, Carting Agent No. 89, Bombay.
8. Messrs. Hussain Kasam, Mukadam, No. 119, Bombay.

and their respective workmen.

APPEARANCES

Shri Vasi for

M/s. S. D. Engineer & Sons.

M/s. Universal Traffic & Co.

M/s. S. R. Pusalkar & Co.

M/s. National Transport & Co.

M/s. Mehta & Patel.

Shri Manekji Sorabji for M/s. Manekji Sorabji.

Shri A. T. Joshi for M/s. Parikh & Co.

Shri Hussain Kasam for M/s. Hussain Kasam, Mukadam No. 119.

Shri P. D'Mello, General Secretary, Transport and Dock Workers Union, Bombay—*for the workmen.*

AWARD

By Government of India, Ministry of Labour, Order No. LR.3(57)/54, dated 21st September 1954, an industrial dispute in respect of the following matters between the eight employers mentioned in the Schedule I of the Order and their workmen has been referred for adjudication to this Tribunal. The matters in dispute are as under:—

1. Wages.
2. Hours of work.
3. Holidays.
4. Leave.
5. Permanency.
6. Provident Fund.
7. Gratuity.
8. Bonus.
9. Conveyance.

2. On notices being issued, the workmen represented by the Transport and Dock Workers' Union filed their statement of claim Exhibit 4. The replies of the different employers are at Exhibits 11, 9, 6, 17, 10, 21, 20, and 8 respectively. I shall refer to the contentions of the parties on the different points at the proper places.

3. Before proceeding further, I may mention that two preliminary objections were raised on behalf of the employers against the validity of the present reference. Their first contention was that the Central Government had no power to make a reference relating to the present disputes and hence the present order of reference is bad.

4. Section 10 of the Industrial Disputes Act empowers the appropriate Government to refer an industrial dispute for adjudication to a Tribunal. The appropriate Government is defined under Section 2(a) of the Act. That section reads as under:

"appropriate Government" means—

(i) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government or by a railway company or concerning any such controlled industry as may be specified in this behalf by the Central Government or in relation to an industrial dispute concerning a banking or an insurance company, a mine, an oil field, or a major port, the Central Government, and

(ii) in relation to any other industrial dispute, the State Government;

This would mean that the Central Government would be the appropriate Government in respect of industrial dispute described in clause (i) of the above Section.

5. The relevant portion of the above clause would mean that the Central Government can refer a dispute for adjudication, when the said dispute concerned an industry carried on by or under the authority of the Central Government, or when the dispute concerns a major port. So far as industries carried on by or under the authority of the Central Government are concerned, the present dispute cannot be said to be an industrial dispute relating to such an industry. The words "under the authority of the Central Government" have been held to mean "on behalf of the Central Government". The definition of employer given in clause 2(g) (i) of the Act lays down that in relation to an industry carried on by or under the authority of any department of the Central Government, the authority prescribed in this behalf, or the head of the department would be the employer. This would mean that an industry carried on under the authority of the Government would mean an industry carried on on behalf of

the Government. This has also been held by Calcutta High Court in the case of Carlsbad Mineral Water Manufacturing Co. Ltd., 1952, Vol. I, L.L.J. p. 488. Mr. D'Mello appearing on behalf of the workmen also conceded that the present industry cannot be said to be an industry carried on by or under the authority of the Central Government, and that the Central Government would not be the appropriate Government on this ground. He, however, contended that the Central Government was the appropriate Government in the present case, because the present industrial dispute concerned a major port.

6. There can be no doubt that Bombay Port is a major port. The important question for consideration would be whether the present industrial dispute concerns a major port or not. In this connection, the facts relating to the work done by the present industry are not in dispute. The employers in the present case are doing among other things the work of Clearing and Forwarding agents. As such, they deal with goods which is imported as also with goods which is exported by sea. Goods imported by sea comes to the port by ships, and is unloaded from the ships and remains in the custody of the Port Trust Authorities. It is part of the duty of clearing and forwarding agents to pay the port trust dues and custom duties and take the delivery from the port trust and then to forward the goods to the consignee. For the purpose of getting the goods cleared by the customs department, the goods have to be moved from the Port Trust sheds to the customs and again take from the customs to the Port Trust. The goods are lying in the custody of the Port Trust and delivery has to be taken from the Port Trust. When the goods are exported, this process is done in the reverse gear. These are admitted facts.

7. We have then to consider whether an industrial dispute concerning the above industry can be said to concern a major port. It would be clear from the above that the industry is connected with the work in the port. If, for instance, there were a strike in the present industry, it would certainly affect the working in the port; because, if goods, which are lying in the custody of the Port Trust are not removed therefrom, there would be congestion there and further unloading of goods from the ships would have to be stopped. So also goods would not be available for loading in ships. In either case, the working in the Port would be affected.

8. I may then point out that the present reference has been made as a result of a joint application made to the Central Government by the employers on the one hand and the union on behalf of the workmen on the other. It is true that this does not estop the parties from challenging the jurisdiction of the Central Government in making the reference; but the fact that the parties jointly made an application to the Central Government shows that they believed that the Central Government was the appropriate Government for making a reference in the present case. The parties must have felt that the dispute in the present case related to a port and that is why they must have made the joint application.

9. It was contended that work of the employers in the present case could not be said to be work connected with the port, because it had nothing to do with ships. They have neither to load goods in the ships or unload the same from the ships. Work in the port is not confined to the actual sea, or ships, but includes work incidental and ancillary to it. The port area includes not only the sea, but sheds etc. On the other hand, if goods were loaded in or unloaded from a ship on the open sea, it would not necessarily mean that the work related to a port.

10. It is to be remembered that it is part of the duty of the present employers to move goods from place to place in the port area. As I said above, the goods after being unloaded from ships would be lying in the Port Trust sheds. The present employers have to move it from there to the customs area to get it cleared by the customs department. The goods are then taken back to the Port Trust sheds and delivery has to be done from the Port Trust sheds and goods taken away from the Port Trust area. In other words, the present industry is concerned with moving of goods in the port area. Though this work may not be concerned directly with loading in ships or unloading from ships, it is concerned with the port and as such, the dispute does concern a major port. I hold therefore that the Central Government was the appropriate Government in this case and hence the present reference is valid.

11. The second preliminary objection raised on behalf of the employers was that the order of reference showed that the dispute was between the employers and the union and therefore the reference was bad, as there can be no industrial dispute between the employers and a union. This contention cannot be accepted

because the order of reference does not show that the dispute was between the employers and the union. It may be noted at the outset that the present reference has been made under Section 10(2) of the Industrial Disputes Act, because of a joint application made by the parties for making a reference. A copy of that application has been produced by the workmen as appendix III to their written statement Exhibit 4. That application mentions that an industrial dispute existed between the employers as shown in the appendix attached thereto and the employees represented by the Transport and Dock Workers Union. The application was signed by the Transport Dock Workers Union as representing the employees. As a result of this application, the Central Government made the present reference. The order of reference mentions that the employers specified in the Schedule I and the Transport and Dock Workers Union had jointly applied to the Central Government for making the reference and the Central Government was satisfied that the said union represented a majority of workmen and thereupon the Government made this Reference. The order of reference did not mention that there was a dispute between the employer and the union. It only mentioned that an application was made by the employers and the union. As I mentioned above, the union signed the joint application on behalf of the employees. Further, if the Government thought that the dispute was between the employers and the Union, the order of reference would not have mentioned that Government was satisfied that the said union represented a majority of workmen. That clause in the order reference clearly showed that the Government felt that the dispute was between the employers and the workmen and the Union had made the application on behalf of the workmen. I do not agree with the contention raised by the employers that the present order of reference is bad.

12. Coming to the merits of the case, the present dispute relates to eight employers mentioned in Schedule I to the order of reference. Nine points have been referred for adjudication to this Tribunal. The first point regarding wages appears to be the most important. I shall consider the other points first.

POINT 2: HOURS OF WORK

13. The workmen's case as alleged in their written statement is that the employees employed/by all the eight employers were made to work from 8 a.m. in the morning till 8 p.m. in the evening and some of them were made to work till 10 p.m. and further that they were not given any lunch hour. The demand was that the hours of work should be fixed at 10 a.m. to 6 p.m. with one hour's recess and that all work performed before and after these duty hours should be paid at double the daily wage in the form of overtime. The employers have denied that they were taking work from 8 a.m. to 8 p.m. without a break. It is true that in some cases, the employers start work at 8 a.m., and in some cases, at 9 a.m. The employers however urge that they are not taking more than 8 hours work a day from their employees. They also urge that due to the nature nature of work, work had to start early and had also to close late and that is why they gave a longer recess or break in the middle. At the time of arguments, Mr. D'Mello contended that the spread over should not be more than 9 hours in a day, with eight hours actual work. He suggested that the work may be taken from 9 a.m. to 6 p.m. with one hour's break or if necessary the work may be started somewhat earlier but that in any case the spread over should not be more than 9 hours. I cannot accept this contention. The nature of work in the present industry is of a peculiar nature. The clerks working with the present employers have work with the Bombay Port Trust and the Customs Department. In some cases, the work starts there at 8 a.m. and the clerks have got to go there by that time. Work in the Port Trust and the customs closes by about 5 p.m. The clerks have then to return to their office to give accounts and to make a report of the work done by them in the day. They have also to obtain instructions for the next day's work and hence they are often required to work upto 6 to 6-30 p.m. All the employers were agreed before me that they would not take more than 8 hours' work from any employee on any day. They however said that the spread over of 9 hours would not be possible due to the nature of their work. They also relied on the provision made in the Bombay Shops and Establishments Act 1948, Section 17 of which empowers an employer to fix the spread over of work of an employee upto 11 hours a day. This section shows that the Legislature did contemplate that there may be certain industries or establishmets where a spread over of 11 hours would be necessary and hence Mr. D'Mello's contention that in no case should the spread over exceed nine hours cannot be accepted. Item No. 7 in Schedule II of the Above Act exempts employees in an establishment exclusively attending to the receipt, delivery, clearance or despatches of goods or to assisting travel arrangements of passengers by rail or other means of transport from the provisions of Section 10, 11, and 13

to 18 of the Act. This would mean that in the case of these employees, spread over of work could exceed even 11 hours a day. The business in the present case relates to clearing and forwarding of goods and it would technically come under the above item; but even if it is not covered by the above item, section 17 does contemplate cases where the spread over of 11 hours a day would be necessary. Looking to the nature of work in the present case, I do not agree with Mr. D'Mello's contention that the spread over should not exceed 9 hours. In my opinion, the hours of work that should be fixed by the employers should be such that the spread over should not exceed 10½ hours a day and that the actual hours of work should not exceed 8 hours a day. Subject to these limitations, it will be for the employers to fix suitable hours of work.

POINT 3: HOLIDAYS

14. The workmen have demanded that they should be given all Sundays and 12 days as paid holidays in a year. There is no dispute as to the Sundays being given as holidays. The employers have also agreed that they would be giving 12 holidays per year as paid holidays. The question that was disputed before me was as to which 12 days should be given. Mr. D'Mello contended that the same 12 holidays which are declared as holidays by the Bombay Port Trust authorities should be given as holidays by the present employers also. I do not think that the employers should be bound down to the same holidays as may be given the Bombay Port Trust.

15. The nature of work in the case of different employers may be different. The needs of their employees may also be different. Some of the employers have to do work with authorities other than the Bombay Port Trust (for instance, they have to do work with railways) and they may not find a holiday declared by the Bombay Port Trust suitable as a holiday for them. Similarly some employers may have no employee of a particular community or there may be preponderance of members of a particular community. They would therefore like to adjust their holidays to suit the needs of their employees also. Different employees observe the weekly off-day on different days. Some observe it on Sundays, some on Mondays etc. It could not be said that the present employees must be given the same holiday as may be fixed by the Bombay Port Trust authorities. So long as the employers give 12 paid holidays in a year, I think they should have the discretion to select which 12 days they should declare as holidays. If the days so declared by them are not suitable to the employees, it would be open to the employees to make a representation to the employer concerned and the employer should in such a case consider their representation sympathetically, and if necessary and if possible, should modify the particular holiday. I would therefore order that all the employers should give 12 paid holidays every year to their employees. Each employer will have discretion to decide which holidays he would observe in every year and the employees would have the right to make a representation to the employer to change a particular holiday.

POINT 4: LEAVE

16. The workmen demand that they should get one month's privilege leave, 21 days' casual leave and 15 days' sick leave per year and that all these kinds of leave should be with full pay. It appears that the different empoyers are giving leave to their employees; but their practice is not uniform. Some give more leave while some give less. It is desirable that there should be a uniform practice so far as all the employers are concerned.

17. I was referred to several awards given by different Tribunals in the Bombay State. In all of them, the workmen were given 7 days casual leave and sick leave for 7 days per year. I think that the same period should be given in the present case also. So far as the privilege leave is concerned, Section 35 of the Bombay Shops and Establishments Act, 1948, lays down that an employee shall be given leave of not less than 14 days a year. I would fix privilege leave in the present case at 15 days a year. I therefore order that the workmen in the present case shall be entitled to get 7 days casual leave in a year and 7 days sick leave on full pay in a year. Casual leave should ordinarily not exceed 3 days at a time; but in exceptional cases the employer may give the entire 7 days leave in a year at a time. Casual leave will not be allowed to accumulate; but the sick leave may be accumulated upto a maximum of 28 days in the case of each employee. In addition to this, the workmen would be entitled to 15 days privilege leave a year. This leave can be accumulated upto 45 days in the case of every employee.

POINT 5: PERMANENCY

18. The workmen contended that every employee should be deemed to have been made permanent on completion of three months' service. At the time of arguments, all the parties were agreed that ordinarily every employee on completion of three months service would be deemed to have been made permanent but it would be open to an employer to extend this period upto another three months by giving previous notice in writing to the employee concerned. In that case, that employee will not be deemed to have been made permanent for a period of another three months; but even then, he would be deemed to have made permanent on the completion of that period.

POINTS 6 & 7: PROVIDENT FUND & GRATUITY.

19. The workmen have demanded that there should be a scheme of Provident Fund and also a gratuity scheme so that an employee's interests would be safeguarded and he would have something to fall back upon when he retired after a long service. The employers opposed the formation of provident fund and gratuity scheme. Their main contention was that they could not afford to pay. They have however not placed any materials before me to show that they cannot bear this burden. They have not produced their accounts for any year excepting the year 1952-53 (in respect of which there is a dispute regarding bonus). In the circumstances, it cannot be held that the financial condition of the employers would not justify the formation of a provident fund or a gratuity scheme.

20. Looking however to the fact that the number of employees is comparatively small in the case of almost all employers, I think it could not be desirable to frame a Provident Fund Scheme at this stage. The Employees Provident Funds Act, 1952, (XIX of 1952) has been made applicable to establishments having more than 50 persons on their rolls. In the case of small establishments, it may be difficult to enforce a scheme of Provident Fund. Both the employee and the employer have to make contributions to the provident Fund and the entire fund has to be vested in Trustees. In the case of small industries, it will be very difficult and inconvenient to have a Board of Trustees to administer the fund. In some cases, it may be undesirable. Looking to the small number of employees employed by the present employers, I think that no scheme of provident fund should be framed at this stage.

21. I however think that there should be a gratuity scheme. In this connection I have considered the various gratuity schemes framed by differect Tribunals in different cases. In the presnt case, some modification will be necessary, firstly because, salaries in the present case are inclusive of Dearness Allowance and secondly because the present firms are comparatively small concerns. On the while, I would frame a gratuity scheme as under:—

1. On the death of an employee while in service of the employer.	10 days salary for such completed year of Service subject to a maximum of 10 months' salary to be paid to his heirs, executors or nominees.
2. Valuntary retirement or resignation of the employee after 20 years continuous service or, termination of service by the employer after 15 years continuous service.	10 days salary for each completed year of service subject to a maximum of 10 months salary.

Condition.—Gratuity will not be paid to any employee who has been dismissed for misconduct involving financial loss to the employer.

POINT 9: CONVEYANCE

22. The workmen urged that the nature of duties of employees required them to go all over the city and they had to spend money for conveyance, and that any expenditure incurred in this connection should be paid to them by the employers. The employers agreed before me that they would pay the amount spent on conveyance by their employees in going over the city on duty on behalf of the employers. They should do so.

POINT 8: BONUS

23. Though in the order of reference, the year of the Bonus has not been mentioned, it was conceded before me that the dispute related to the bonus for the

year 1952-53. The Union, when making demands on behalf of the workers in a letter written by them on 22nd October 1953, had demanded three months' wages as bonus for 1952-53 and this is the dispute which is included in the present order of reference. In the statement of claim, they have claimed bonus for this year.

24. The different employers produced statements of their accounts with a request that they should be treated as confidential. They also produced statements of the available surplus according to the formula laid down by the Labour Appellate Tribunal. Mr. D'Mello and Mr. Kotwal were allowed inspection of the above statements on behalf of the workmen. Thereafter, they conceded that there was no available surplus so far as the firms of Messrs. Universal Traffic Co., Messrs. Manekji Sorabji, Messrs. Mehta & Patel and Messrs. Hussain Kasam were concerned, and that the workmen of these firms were not entitled to any bonus for the year 1952-53.

25. Out of the four other firms, so far as the firm of Messrs. National Transport & Co. is concerned, there was a compromise between the employers and the workmen under which the employers agreed to give one month's wages as bonus in addition to the bonus of one month's wages already paid. It appears that this firm has already paid one month's wages as bonus for this year to their workmen. Under this compromise, the workmen are to get another one month's wages addition as bonus for that year. The compromise is fair and reasonable. Hence so far as this firm is concerned, I award one month's wages as bonus in addition to the bonus of one month's wages already paid in respect of this year.

26. So far as the firm of Messrs. K. M. Parikh & Co. is concerned, they have produced their profit and loss account and a statement showing available surplus for determining bonus, according to the formula laid down by the Labour Appellate Tribunal. They have also produced the assessment order of the Income Tax Officer for that year. I would take this assessment order as representing the correct state of affairs.

27. According to the Income Tax Assessment Order, this firm made a profit of Rs. 5,381 in the year 1952-53. The firm has claimed 9 per cent. interest on Rs. 49,000 as being the capital invested by the partners for the working of the firm. It however appears that the whole amount was not invested throughout the year and interest can be allowed on the amount actually invested from day to day, and that too at six per cent. Calculated accordingly, interest would come to Rs. 2,714-0-8.

28. The firm has then claimed an amount of Rs. 12,000 as the remuneration of two partners at the rate of Rs. 500 per month for each. The decision of the Labour Appellate Tribunal in the case of Aryan Cinema published at page 2434 of Part I-L of the *Bombay Government Gazette* of 29th October 1953 shows that the partners would be entitled to a reasonable remuneration for the service rendered by them to the firm. The firm pays Rs. 105 per mensem to three of its clerks. Even if the partners were allowed a salary of Rs. 125 each, their remuneration for the year would come to Rs. 3,000.

29. According to the Labour Appellate Tribunal formula, several deductions have to be made from the gross profits to decide as to what, if any, surplus is left for distribution as Bonus. There can be no doubt that interest on invested capital at 6 per cent. and reasonable remuneration to the partners for actually working in the firm and looking after the business are deductions which can be made from the gross profits. As I stated above, the gross profits of the firm for this year were Rs. 5,381. The deductions on the above two heads would come to more than Rs. 5,500. This would mean that this firm had no available surplus in this year. In my opinion therefore, the workmen of this firm are not entitled to any bonus for this year.

30. Coming to the firm of Messrs. S. D. Engineer & Sons, they have produced their profits and loss account and balance sheets for the year ended 31st December 1952. These accounts are duly audited. The firm has also produced a statement showing the available surplus according to the formula laid down by the Labour Appellate Tribunal.

31. The firm made a gross profit of Rs. 11,680 in this year. This figure is not in dispute. The firm has claimed a deduction of Rs. 2,437 as the income derived from sources in which the workmen have not put in any effort, made up of an item of rebate on interest and item of interest on loans. As the firm i

being allowed a deduction on the return on the invested capital, to make a deduction on this head would be duplicating the same item. I would therefore hold that no deduction can be allowed on this head; that is, the amount of Rs. 2,437 claimed under this head is disallowed.

32. The firm has then claimed a deduction of Rs. 3,360 as interest on working capital at 4 per cent. This working capital is said to consist of dues payable to certain creditors. I do not think that this item can be said to be working capital If some amount is due to a creditor and if no interest is paid to that creditor, the amount would go to help the firm to make a larger profit; but by no stretch of imagination can it be said to be working "capital." The Labour Appellate Tribunal formula allows interest on working capital consisting of funds which belong to the shareholders but which are not part of capital. For instance, if a firm has reserve funds, and if the reserves are used in working the firm, the same would be said to be "working capital", though it is not capital as such and the Labour Appellate Tribunal formula allows the firm to claim some interest on this. It is on the ground that if the firm had no reserves, it may have been required to borrow moneys from others and to pay interest thereon and the payment of interest was saved because these reserves were available to the firm and were used in the working thereof. On this basis, reasonable return on these reserves used as capital is allowed. The same cannot be said to be the case in respect of moneys due to creditor; because they are not moneys belonging to the firm. I would therefore disallow the claim of Rs. 3,360 made under this head.

33. A deduction of Rs. 7,896 is claimed on the ground of that amount being interest at 6 per cent. on the capital invested by the partners in working the firm. Admittedly the firm is entitled to this deduction. If we deduct this amount from the gross profit of Rs. 11,630 we are left with an amount of Rs. 3,784. The firm has then claimed that a partner Mr. Engineer should be allowed a remuneration at the rate of Rs. 1,500 per month. Mr. Kotwal on behalf of the union urged that this amount was high and he suggested that the reasonable remuneration would be Rs. 500 per month. It may be noted that the Head Clerk of this firm gets a salary of Rs. 525 per month and naturally the proprietor should be given something more. But even accepting the figure suggested by Mr. Kotwal, Mr. Engineer would be entitled to annual remuneration of Rs. 6,000. If this amount were to be deducted from the profits, there will be a deficit and no surplus available for distribution; because, as I said above, the profits after deduction of interest come to Rs. 3,784. That being so, I hold that the workmen of this firm are also not entitled to any bonus for this year.

34. So far as the firm of Messrs. S. R. Pusalkar & Co. is concerned, this firm has admittedly paid one month's wages as bonus for the year 1952-53. The workmen however demand payment of three months wages as bonus for the year. This firm has also produced its balance sheet and profit and loss account for the year ending 31st December 1952 with a statement according to the formula laid down by the Labour Appellate Tribunal.

35. This firm made a gross profit of Rs. 20,536 and odd. Out of this, the firm has already paid a bonus of Rs. 3,825. The firm claims the following deductions under the Labour Appellate Tribunal formula:—

1.	Interest on investment and dividends	Rs.	618-14-6
2.	Return on invested capital at 6 per cent.	,,	7,563-0-0
3.	Interest on loan at Rs, 2000 at 6 per cent.	,,	120-0-0
4.	Interest on moneys used as working capital at 4 per cent. .	,,	3,410-0-0
5.	Bonus already paid.	,,	3,825-0-0
6.	Income Tax	Amount not ascertained.	

36. Out of the above amounts, I disallow the items of interest on investments and dividends as they amount to duplication. I also disallow the item of interest on moneys used as working capital. I have already given my reason for disallowing these items when considering the case of the firm of Messrs. S. D. Engineer & Sons. There can however be no doubt that the other items must be allowed, namely (1) bonus of Rs. 3,825 already paid, (2) Return on capital Rs. 7.563 and (3) interest on loan Rs. 120. Deducting these amounts from the gross profit of Rs. 20,536 the amount left would be Rs. 9,028 out of which income-tax would have to be paid. In my opinion, the workmen should be given another ½ month's wages as bonus. This would mean that the workmen will get a total bonus equal to 1½ month's wages and the amount spent for the purpose would come to Rs. 5,737-8-0. The proprietors would be left with about Rs. 5,400 after

paying income-tax. I would therefore order that the workmen of Messrs. S. R. Pusalkar & Co. should be paid a further bonus equal to ½ month's wages in addition to the one month's bonus already paid as bonus for the year 1952.

POINT 1: WAGES

37. This brings me to the most important question in this case and it is regarding wages. The order of reference does not mention the category of workmen whose wages should be fixed; but in the notice of demands given by the union to the employers on 22nd October 1953 (which ultimately led to a joint application for adjudication and the order of the present reference), they had demanded fixation of wages of clerks. In the statement of claim also, the claim under this head is confined to clerks. In arguments also, Mr. D'Mellow confined the claim to clerks only. I therefore proceed to consider this point on the basis that it relates to wages of clerks only.

38. As I said above, the reference relates to eight employees. One of them, named Messrs. National Transport & Co. employs 65 clerks. Two others, Messrs. S. D. Engineer & Sons and S. R. Pusalkar & Co. employ 27 and 22 clerks respectively. Messrs. K. M. Parikh & Co. employs seven clerks. The Universal Traffic Co. employs 5, Messrs. Mehta and Patel and Hussain Kasam employ two clerks each, while Messrs. Manekji Sorabji has at present no clerk.

39. The demand of the workmen as contained in their written statement Exhibit 4 is that the pay scales of the clerks should be fixed at Rs. 150–10–300 E.B.—15—400 per month. At the time of arguments, however, Mr. D'Mello conceded that the same maximum could not be made applicable to all the employers. He however contended that the minimum should be the same in all cases.

40. At present, there are no scales of pay fixed by any of the employers. The pays vary with the different firms. Some firms pay a minimum of Rs. 60; some Rs. 70; and some Rs. 75 per month. The maximum pays paid by the different firms also vary. There is no regular system of giving increments. This is certainly an undesirable state of affairs. There should be definite scales of pay for the clerks so that an employee when joining a firm may know as to what he should ordinarily expect to get after a particular period of service. He should also be assured of his increments in the regular course. Increments should not depend on the sweet will of the employer; because so often it may happen that a person may be a good worker and still he may not be a favourite with his superiors or employers. In my opinion, therefore, it is desirable that there should be fixed scales of pay, with regular increments. There should also be an efficiency bar so that a person may not expect promotion after achieving a particular pay, unless his work is found to be satisfactory.

41. So far as the minimum pays are concerned, there can be no doubt that the minimum pay cannot be made to depend on the employer's capacity to pay. The employer, who cannot pay a wage which is sufficient for the ordinary requirements of a worker, has no right to exist. On the other hand, the capacity of an employer would be one of the important factors in fixing the maximum scales of pay.

42. Mr. D'Mello argued that the clerks in the Port Trust get a total minimum pay of Rs. 130 per month inclusive of dearness allowance and other allowances. He further urged that the Stevedore's clerks were ordinarily getting about Rs. 113-12-0 per month. He further urged that the work done by the clerks of the present employers was more responsible and more specialised than the work done by the Port Trust clerks and hence the minimum pay scale for a clerk in the present firms should be fixed at Rs. 150 per month. I do not agree with this contention. The clerks of the present firms need not be qualified persons. The Port Trust clerks have got to be at least matriculates. The work of valuation, calculation, etc. is done not by the docks and customs clerks but by the office clerks.

43. It was contended on behalf of the employers that the work done by the customs and docks clerks was analogous to the work done by the messengers and their pays should be somewhat higher than peons but less than those of clerks. This contention also cannot be accepted. It may be noted that these persons have been designated as clerks all along. Their work may include the work of messengers; but it would not be proper to say that they are only somewhat higher than peons. They have also responsibilities of their own.

44. After considering the scales of pay which are being paid by the Textile Mills in Bombay, by the Government and by Semi-Government institutions and

after considering the fact that the pays in the present case are inclusive of dearness allowance, I would fix the minimum pay of a clerk at Rs. 100/- per month.

45. Regarding fixing of scales, I would make a distinction between different firms and divide them into three categories. The first category will consist of employers who employ nine clerks or less. The second category will consist of employers who have more than nine clerks but less than 50 clerks, and the third category will consist of employers who employ 50 clerks or more. I would designate these three kinds of employers as employers of A class, B class and C class respectively.

46. In the case of A class employers, I would fix the scales of pay as under:—
Rs. 100—5—140—E.B.—6—200.

In the case of B class employers, I would fix the same scales of pay for junior clerks; but would direct that at least 10 per cent. of the total number of clerks shall be senior clerks and the scale of senior clerks should be Rs. 200—8—240. E.B.—10—300. In the case of C class employers, I would fix the same scales of pay for the junior and senior clerks. I would further direct that in the case of these employers also, 10 per cent. of the total number of clerks shall be senior clerks. I further direct that a further 2½ per cent. of the total number of clerks employed by these employers shall be given a special grade of Rs. 300—10—400. If a person at the time of promotion from the junior scale to the senior scale or from the senior scale to the special scale has already reached the maximum of a scale in which he is then serving, he should be given one increment in the new scale to which he is promoted.

47. The next question would be about the fixation of pay of the present incumbents. In this connection, I have considered the recommendations of the Central Pay Commission found at pages 361 and 362 of the Report. In my opinion, the persons on the existing scales should be brought on to the new scales and at the time his initial pay should be fixed at the lowest figure arrived at by the following calculations:

(1) what he would draw if his entire service in the existing scale had been on the corresponding proposed scales of pay.

(2) Fix the initial pay at the stage in the proposed scale next above the pay he is drawing in his present scale and add one increment in the proposed scales for every three completed years of service.

(3) Add to the present pay the sums stated below and fix initial pay in proposed scale at the stage next above the amount so arrived.

	Salary	Amount to be aded
1. not exceeding	Rs. 100	Rs. 15
2. „ „	„ 101—250	„ 20
3. „ „	„ 251—400	„ 30
4. „ „	„ 401—500	„ 40

NOTES

1. In no case should the pay to be fixed in the new scale be less than what the person is drawing at present.

2. In no case should the clerk concerned draw less than the minimum of the scales which are now being framed.

3. The new scales of pay shall come into operation with effect from 1st January 1955.

I pass my award accordingly.

[No. LR.3(57)/54.]

S.R.O. 461.—In exercise of the powers conferred by section 14 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), the Central Government hereby exempts the Lignite Project, Neyveli, from the provisions of the said Act, subject to the following conditions, namely:—

(1) that the Project authorities shall publish the Standing Rules governing the conditions of employment of labour in the Project, in English and

in the language or languages understood by the majority if the workmen; and

(2) that a copy of the pamphlet in the appropriate language shall be supplied to each workman free of cost.

[No. LR.11(24)/54.]

New Delhi, the 21st February 1955

S.R.O. 462.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the dispute between the employers in relation to the Talavadi Manganese Mines of the United Mining and Industries Ltd. and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE NO. 20 OF 1954

PRESENT

Shri L. P. Dave, B.A. LL.B.—*Chairman.*

PARTIES

The employers in relation to the Talavadi Manganese Mines of the United Mining and Industries Limited, Bombay.

AND

Their workmen

APPEARANCES

Shri R. C. Vyas, Secretary, United Mining & Industries Limited.—*For the Employers.*

Vs.

Shri Chandulal G. Shah, General Secretary, Shivrajpur Mines Employees Union, and Shri M. G. Desai, Joint Secretary, Shivrajpur Mines Employees' Union.—*For the workmen.*

AWARD

By Government of India, Ministry of Labour, Order No. LR.2(73)/54, dated 18th November 1954, an industrial dispute between the employers in relation to the Talavadi Manganese mines of the United Mining and Industries Limited and their workmen regarding the following matters has been referred for adjudication to this Tribunal:—

(i) Whether the termination of the services of about 526 temporary workmen in or about the month of June 1954 was justified and what relief, if any, should be allowed to them.

(ii) Whether the suspension and the subsequent discharge of certain permanent workmen in or about the month of June 1954 was justified and what relief, if any, should be allowed to them.

2. Notices were issued to the parties and they have filed their statements at Exhibits 3 and 7 respectively. The workmen alleged that there were several disputes between the parties, as a result of which the management illegally locked out 526 workers from 10th June 1954 without notice and without any just and reasonable cause. They further alleged that the management also refused employment to 304 workers who were permanent according to the management. In their case also, it is alleged that they were stopped and refused work from 10th June 1954 without any just and reasonable cause and without any intimation or orders or compensation in lieu of notice. The workmen therefore urged that all these workers should be reinstated with full wages from the date of discharge to the date of reinstatement.

3. The management denied that they had locked out any workman or refused work to them illegally. They alleged that the Inspector of Mines asked them to stop mining work and imposed certain burden of making alterations which were not possible for them to carry out during the monsoon. They had therefore no option but to close down mining operations and as a result thereof they laid off the temporary workmen numbering 530. They further alleged that when these temporary workmen were laid off, the permanent workmen went on an illegal

strike, which conduct of theirs amounted to misconduct. They were suspended and a notice dated 24th June 1954 was issued that an enquiry would be held regarding their conduct. After a full enquiry, the workers were found guilty of misconduct and consequently dismissed. It was therefore urged that the workmen were not entitled to any relief.

4. The present dispute relates to two sets of workmen. The first set consists of 526 workmen said to have been engaged on a temporary basis and the second set consists of 306 workers who were admittedly permanent. According to the workmen, the management refused to give work to both these sets of workmen as from 10th June 1954. On the other hand, the management urged that they had to stop mining operations, as a result of directions given to them by the Inspector of Mines and thereupon they laid-off 526 temporary workmen from 10th June 1954. It is further urged that as a result of this, the other workmen went on strike as from 12th June 1954 (11th June 1954 being a holiday). After holding a proper enquiry, the management held these workmen were guilty of misconduct and thereupon dismissed them. The management thus urge that the first set of workmen were laid-off because they had to stop work and that the second set was dismissed because of misconduct.

5. The present dispute arose in June 1954. I shall first give a brief history of the dispute. It appears that originally the male and female workers of this mine were paid daily wages at the rates of Rs. 1-4-0 and Re. 1-0-0 respectively. On 17th August 1953, an agreement was entered into between the management and their workmen represented by the union in the presence of the Conciliation Officer by which rates were increased to Rs. 1-8-0 and Rs. 1-4-0 per day respectively. On 13th February 1954, the management gave a notice to the workmen about their intention to terminate the above agreement and their intention to introduce piece rates instead of daily rates. On 9th April 1954 the union served a notice of strike on the management. At the same time, they also served on the management a schdule of demands and grievances. A copy of the notice of strike was sent to the Conciliation Officer. On receipt thereof, the Conciliation Officer fixed 20th April 19554 as the day for holding conciliation proceedings in the matter. It further appears that on 8th March 1954 there was a collapse of a side at the mine. The Inspector of Mine visited the mine on 6th May 1954. He found several serious violation of the Mines Act. He further found that the general condition of the mine was not satisfactory. He directed that no persons excepting those required to slope and step the sides should be employed at the mines. On 24th May 1954, the management wrote a letter to the Conciliation Officer for permission to retrench 721 workmen and asked for permission under Section 33 of the Industrial Disputes Act On 7th June 1954, the solicitors of the management wrote a letter to the Conciliation Officer stating that it had not been possible to reach any settlement and that the conciliation proceedings must be deemed to have ended and requested the Conciliation Officer to make a report accordingly to the Government. All these facts are admitted.

6. According to the management, they affixed a notice on the notice board on 8th June 1954 addressed to the temporary workmen stating that the Inspector of Mines had asked them to stop the mining operations and in view of this and in view of the approaching monsoon, they were compelled to stop mining operations and were compelled to lay off the temporary workmen and gave them 48 hours' notice of laying them off. A copy of the above notice was sent to the union; but though the management allege that they sent it on the 8th, it admittedly reached the union only on the 15th. (The date 14th was written below the date 8th in the letter delivered to the union. It is not in dispute that from 12th June 1954 temporary workmen numbering 526 were refused work at the mine, on the ground that there was no work for them and they had been laid-off. There is a dispute between the parties about the permanent workmen. According to the management, the permanent workmen went on strike from 12th June 1954 in sympathy with the temporary workmen who were laid off According to the union, all workmen (both temporary and permanent) were refused work from 12th June 1954. According to the management, the workmen voluntarily returned to work from 22nd June; while according to the union they were allowed to work from 22nd June 1954. It is admitted by both sides that the permanent workmen did work between 22nd June 1954 and 24th June 1954 (both days inclusive).

7. On 24th June 1954, the Mines Manager put up a notice on the notice board addressed to the workers stating that they had gone on illegal strike from 12th June and that they had abstained from attending work from 12th to 21st June and further that their behaviour amounted to misconduct for which they were

liable to be dismissed. It was further mentioned that an enquiry would be held by the Manager on 28th June 1954 at 1 P.M. at his office and that the workmen may appear with any evidence at that time and give any explanation they thought fit. Further, pending enquiry, the workmen were suspended with immediate effect.

8. According to the case of the management, some workmen went to the manager's office on 28th June 1954 but none gave any statement. The manager is then alleged to have recorded statements of some persons and held that the workmen were guilty of misconduct and put a notice on the notice board addressed to the workmen that they were dismissed.

9. After going through the evidence and after hearing the parties, I am not satisfied about the bonafides of the management. In my opinion, the allegations of the management are not tide. I believe the workmen's case that the management deliberately stopped work to all workmen as from 12th June 1954 with ulterior motives, the main motive being to put an end to the agreement regarding rates of wages. It appears that the management wanted to introduce piece rates in the place of (existing) daily rates of wages. Instead of having recourse to the proper procedure according to law, they appear to have taken the undesirable way of stopping work to the workmen.

10. The management's case is that they had to stop work because of the directions of the Inspector of Mines and that is why they laid-off 526 workmen from the evening of 10th June 1954 and in sympathy with these workmen the permanent workmen went on strike from 12th June 1954 (11th June 1954 being a Sunday). It appears that there was a collapse of a side at the mine on 8th March 1954. In connection with this, the Inspector of Mines visited the place on 6th May 1954 and is said to have directed the manager that no person excepting those required to slope and step the sides should be employed at the mines. The management want to use this letter as a cloak for supporting the alleged lay-off of the temporary workmen; but their action in doing so does not appear to me to be bonafide.

11. From the evidence of Time Keeper, Dhanjibhai, Exhibit 15 and from the registers of the mine, it appears that even after the receipt of the above letter of the Inspector of Mines, the management went on recruiting fresh workmen. The accident had occurred in the mine in March; but still the management recruited 156 new workmen in April. Even after the receipt of the above letter on 6th May 1954, the management recruited 102 new workmen on 12th May 1954 and 155 new workmen on 15th May 1954. This shows that the management were not keen to carry out the instructions of the Mines Inspector contained in the above letter. In this connection, I may also point out that the management had asked some persons to work at the mine on 8th March 1954 in the night shift. On their refusal to do so, these workmen were not allowed to work even in the day shift and it was only when the Conciliation Officer directed the management to allow these workmen to work, that they were allowed to resume work. This shows the mentality of the management.

12. As I mentioned above, there had been an agreement between the parties fixing the workmen's wages on daily rates. The management wanted to terminate this agreement and to introduce piece rates. The workmen were not agreeable to this and had even given a notice for going on strike. In my opinion, the real reason for the management's action in the so called lay-off of the temporary workmen was to enable them to put an end to the agreement on daily rates and to introduce piece rates. As I said above, the management had stopped work to workmen when they refused to work on the night shift and it was only when the Conciliation Officer intervened that these persons were allowed to resume work. Though the Inspector of Mines asked the management to stop work from 6th May 1954, they continued work and even recruited new people. They are alleged to have given a notice to the temporary workmen on 8th June 1954 to the effect that they would lay them off from (the evening of) 10th June 1954. I am however not satisfied that this notice was really given on the 8th as alleged by the management. A copy of this was sent to the union but it reached the union only on the 15th. In the copy served on the union, the date 14th was written below the date 8th. If the notice was sent on the 8th, there was no reason why it should not have been served on the union on the 9th. This fact shows that this notice was sent to the union only on the 14th. It would also show that the notice must not have been affixed on the notice board on the 8th but must have been affixed on or after 14th. In my opinion, what really must have been happened was that the management must have stopped all work, both of temporary and permanent workmen, from the 12th and it must be with a view to justify their action, they must have later on thought of putting this

notice on the notice board to show that their action was an action of lay off, so far as temporary workmen were concerned.

13. The management's case in respect of the permanent workmen is still worse. According to the workmen, the management stopped work to all workmen, both temporary and permanent from the 12th. On the contrary, the management allege that the permanent workmen went on strike from the 12th in sympathy with the temporary workmen who had been laid off. If the workmen had really gone on strike in sympathy with the temporary workmen, I am sure that the management would have informed the authorities concerned about the workmen having gone on strike. The Mines Manager has admitted that they gave no information to any Government Officer excepting the police. Even so far as the police is concerned, he was not able to say whether the information was given orally or in writing. If it was given in writing, it was the duty of the management to have got the written complaint produced. It is very probable that the management, having illegally stopped the work of the workmen, may have anticipated some trouble and may have informed the police about their apprehension of trouble and requested the police to make necessary security arrangements. This would not necessarily mean that the workmen were in the wrong or the workmen had gone on strike.

14. If the workmen had gone on strike as alleged, it is not likely that they would have rejoined work from 22nd unless their alleged grievances had been redressed or unless some sort of compromise had been arrived at. It is nobody's case that any pressure or persuasion was brought on the workmen to resume work. The management want us to believe that the workmen, who went on a strike on 12th in sympathy with the temporary workmen, voluntarily returned to work on 22nd without any persuasion or the like. This does not appear to be probable. In my opinion, the management must not have allowed the workmen to work between the 12th and 21st and allowed them to work from 22nd and the workmen must not have been on strike. The purpose of stopping work for 10 days and allowing the workmen to resume work thereafter appears to me to be to show that the workmen were guilty of misconduct and could be dismissed.

15. Assuming, however, that all the allegations made by the management are true, it would mean that the permanent workmen went on strike from 12th to 21st both days inclusive and resumed work on 22nd. The management urge that by doing so, the workmen were guilty of misconduct and the management could therefore dismiss them. This contention of the management cannot be accepted. In the first instance, the workmen were not properly charge sheeted or given an opportunity to defend themselves. Admittedly the only thing that the management did was that they issued a notice on the 24th June and put it on the notice board. This cannot be said to be proper service on the workmen concerned. A workman is not expected to read all notices affixed on the notice board and this must be the reason why he may not have given a reply to it or to have appeared on the date mentioned therein to defend himself. It is true that a copy of this notice was sent to the union; but all workmen may not be members of the union Further the union as such had no authority to defend them in a departmental enquiry conducted by the management. It was the clear duty of the management to have served a charge sheet on all workmen personally In the absence of a charge sheet being properly served, the enquiry was bad in law.

16. Again assuming that the charge sheet and the enquiry were proper, even then the allegations contained therein and the allegations now made (even if held to be true) would not amount to misconduct to justify the dismissal of the workmen. It is alleged that the workmen went on illegal strike from 12th. It is further alleged that they absented from work (without leave) from 12th to 21st June (both days inclusive). In other words, there are two allegations against the workmen. The first is that they had gone on illegal strike and the second is that they remained absent from work for 10 days without leave.

17. The management in the present case have no standing orders of their own, but are following the model standing orders. Rule 14(3) of the model standing orders lays down the acts and omissions which are to be treated as misconduct. Clause (k) thereof lays down that striking work in contravention of the provisions of any law or rule having the force of law would amount to misconduct. In other words, going on strike by itself is not misconduct unless the strike is in contravention of any law or rule having the force of law. Actually, going on strike is now recognised to be the inherent right of all workmen; and unless the strike is illegal, a person going on strike cannot be said to have committed misconduct.

18. It was urged that the workmen had gone on strike without giving any notice and hence the strike was illegal. Section 22 of the Industrial Disputes Act prohibits workmen from going on strike without giving a notice about the strike as mentioned therein; but this section applies to persons employed in a public utility service. It is an admitted fact that Manganese Industry is not a Public Utility Service and hence Section 22 would not be applicable to the present case. That being so, a strike would not require a notice to be given under this section and a strike without such a notice could not be said to be illegal

19. A point was raised during the hearing whether the strike was illegal as being in contravention of section 23 of the Industrial Disputes Act. It may be noted that the management have never said that the strike was illegal under Section 23 of the Industrial Disputes Act and even at the time of arguments, they did not rely on this section. Section 23 which applies to all industrial establishments, prohibits workmen from going on strike *inter alia* during the pendency of conciliation proceedings before a Board and seven days after the conclusion of such proceedings. It is true that in June 1954 conciliation proceedings were pending before the Conciliation Officer. As I mentioned above, the workmen had given a notice of strike in April and thereupon the Conciliation Officer had issued a notice to the parties that he would be holding conciliation proceedings. It appears that the proceedings had not concluded at least upto 7th June 1954. On 7th June 1954, the solicitors of the management wrote a letter to the Conciliation Officer, stating that the conciliation proceedings must be deemed to have concluded and requested him to make a report accordingly to the appropriate Government This shows that at least till that date, the conciliation proceedings were pending.

20. It was urged on behalf of the management that this letter put an end to the conciliation proceedings. It was further urged that under Section 12(6) of the Industrial Disputes Act it was the duty of the Conciliation Officer to make a report within 14 days of the commencement of the conciliation proceedings and on the conclusion of that period, the proceedings must be deemed to have concluded. I do not agree with this contention. Section 20(2) lays down as to when a conciliation proceeding shall be deemed to have concluded. It lays down that when no settlement is arrived at, the conciliation proceedings would be deemed to have concluded when the report of the Conciliation Officer is received by the appropriate Government or when the report of the Conciliation Board is published under Section 17 of the Act. In other words, the important date is the date of receipt by the Government of the report of the Conciliation Officer. By not sending the report earlier the Conciliation Officer may be failing in his duty and may be committing a breach of Section 12(6); but it would not mean that the conciliation proceedings must be deemed to have concluded as soon as 14 days from the commencement of the proceedings were over. If such was the intention of the Legislature, such a clause would have been incorporated in Section 20(2).

21. In my opinion, conciliation proceedings cannot be deemed to have concluded unless the Government received a report from the Conciliation Officer and the proceedings would be pending even though the Conciliation Officer failed to make a report in time. Similarly the conciliation proceedings cannot end by a party writing a letter to the Conciliation Officer. Further even if the conciliation proceedings are deemed to have concluded on the management's solicitor's writing a letter to the Conciliation Officer on 7th June, a strike or lock out if commenced on the 12th would be within seven days of the conclusion of such proceedings. It may be noted that Section 23(a) prohibits a strike not only during the pendency of conciliation proceedings but for seven days after the conclusion of such proceedings.

22 It is however important to note that the above clause does not prohibit a strike and lock out during the pendency of all conciliation proceedings, but it prohibits a strike and lock-out during the pendency of conciliation proceedings *before a Conciliation Board*. Admittedly no proceedings were pending before a Board in June 1954 That being so, a strike or a lock-out would not be illegal on the ground that it contravened the provision of Section 23 of the Act.

23. The result is that even if the workmen had gone on strike from 12th June as alleged by the management, it could not be said that they had gone on an illegal strike or that they had committed misconduct.

24. It is then said that the workmen committed misconduct because they remained absent without leave. Clause(e) of Rule 14(3) of the Model Standing Orders lays down that habitual absence without leave or absence without leave for more than ten days would amount to misconduct. In other words, to amount

to misconduct absence without leave should be for a period of more than ten days, or should be habitual. It is nobody's case that the workmen were habitually absent. They were absent, even according to the charge sheet of the management, from 12th June to 21st June (both days inclusive). This period amounts to ten days. That would mean that the workmen were absent without leave for ten days. It cannot be said that they were absent for more than ten days. In any case, therefore, it cannot be said that they committed misconduct..

25. Thus even on the facts alleged by the management, the workmen had not committed any misconduct and could not be dismissed. But the management having already stopped the workmen from work wanted to make out a case justifying their action and therefore they made a show of issuing a charge sheet by putting up a notice on the notice board and then holding that the workmen were guilty of misconduct.

26. In this connection, it may be noted that the management have also alleged that the manager held an enquiry on 28th June by recording some statements. These statements have not been signed by the manager to show that they were recorded in his presence. Actually there is nothing to show that these statements were recorded on 28th June. The manager says that he had sent copies of these statements to his Head Office with a covering letter on the very day. If it were so, it was the duty of the management to have produced that letter to satisfy the Tribunal that these statements had really been recorded on 28th June.

27. In this connection, I may refer to the order of dismissal Exhibit 14 which is to the following effect:—

> "Since you failed to produce any witness and refused to give statements as per notice, dated the 28th June, 1954 at the time and date mentioned therein regarding your misconduct for going on illegal strike, you are hereby dismissed."

It is significant to note that no mention is made in this order that an enquiry had been held by the manager or that statements had been recorded by him or that he was satisfied from the enquiry and statements that the charge against the workmen had been proved. This order only mentions that the workmen had failed to produce any evidence and therefore they were dismissed.

28. I may then point out that after dismissing the workmen on 28th June, the management are said to have put up a notice on the notice board on 30th June, stating that the company intended to start mining operations from 7th July on piece work basis at piece rates and invited workmen to report for duty. This notice gives away the entire show. It clearly shows that the management wanted to change the wages of workmen from daily rate to piece rate and this is the real reason for the entire action taken by them. It was with that view that they stopped work of the workmen and made a show that some of them were laid off and others were dismissed and then offered work on a fresh basis of fixing a piece rate rather than a daily rate.

29. The last question is as to what order should be passed in the present case. So far as the permanent workmen are concerned, they were illegally dismissed; and in their case, the proper order would be that they should be reinstated with back wages on the same rates as were in force at the time of the dismissal. The case of the temporary workmen however stands on a different footing. Most of these persons had not put in a service of three months on 12th June 1954 and they would therefore be temporary and not permanent. Under para 13(2) of the Model Standing Orders, a temporary workman is not entitled to any notice or pay in lieu of notice when his services are terminated unless they were terminated for misconduct. (No misconduct is alleged against them). Hence so far as those workmen who had not completed three months' service and who were refused work from 12th June 1954 are concerned, the management were entitled to stop work without any notice. They would not be entitled to notice or compensation or any other relief. The only relief that can be given to them is that they would be entitled to be taken on work in preference to outsiders, if and when the management want other workmen.

30. But some of the so called temporary workmen had however then completed three months service. So far as they are concerned, their service could not have been terminated without notice and they must also be reinstated with back wages.

31. In the result, I order that all workmen who had completed three months of service on 10th June 1954, whether they were called temporary or permanent, should be reinstated in service immediately and should be paid full wages for the entire period beginning from 12th June 1954 and would also be entitled to all privileges as if they were in service all along. The wages should be reckoned

at the rates prevailing on 10th June 1954. The arrears of pay should be paid to them within three weeks of the award becoming enforceable. This order applies not only to the so called temporary workmen who are said to have been laid-off (if they had actually put in three months service on 10th June 1954), but it also applies to the permanent workmen who were suspended and subsequently dismissed by the management.

32. The other temporary workmen, who had not completed three months of service on 10th June 1954, are not entitled to any compensation or wages; but it is ordered that in future whenever there is any vacancy, the management should employ these persons in preference to persons who had done no work under the management.

I pass my award accordingly.

The 7th February 1955

(Sd.) L. P. DAVE, *Chairman*,
Central Govt's Industrial Tribunal
Dhanbad.

[No. LR-2(73)/54.

N. C. KUPPUSWAMI, Dy. Secy.

New Delhi, the 18th February 1955

S.R.O. 463.—In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby directs that the following further amendment shall be made in the Minimum Wages (Central) Rules, 1950, the same having been previously published as required by sub-section (1) of the said section.

In the said Rules, for rule 32, the following rule shall be substituted, namely:

"32. *Saving.*—These Rules shall not apply in relation to any scheduled employment in so far as there are in force rules applicable to such employment, which in the opinion of the Central Government, make equally satisfactory provisions for the matters dealt with by these Rules and such opinion shall be final."

[No. LWI-3(9)54.]

S.R.O. 464.—Whereas the term of office of the non-official members of the Coal Mines Labour Housing Board constituted by the notification of the Government of India in the Ministry of Labour No. S.R.O. 1730, dated the 29th October, 1951, has expired;

Now, therefore, in pursuance of section 6 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), read with rule 8 of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby appoints the following persons as non-official members to the said Coal Mines Labour Housing Board, namely:—

(1) Shri A. A. Beard.
(2) Shri S. N. Mullick.
(3) Shri Rati Lal Dave.
(4) Shri R. L. Malviya.
(5) Shri R. N. Sharma.
(6) Shri Mahesh V. Desai.

[No. 3(10)54.]

S. T. MERANI, Dy. Secy.

New Delhi, the 18th February 1955

S.R.O. 465.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri V. G. Kasar and Shri B. N. Raval to be Inspectors for

the whole of the State of Bombay for the purposes of the said Act and of any Scheme made thereunder in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF-31(8)/54.]

S.R.O. 466.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, framed under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri K. S. Naik, Labour Officer, Hyderabad and Provident Fund Inspector, Hyderabad to be the Regional Provident Fund Commissioner for the whole of the State of Hyderabad, in addition to his own duties *vice* Shri Medhi Ali Mirza granted leave, and further directs that the said Shri K. S. Naik shall work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. PF-31(66)/54.]

TEJA SINGH SAHNI, Under Secy.

New Delhi, the 18th February 1955

S.R.O. 467.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), the Central Government hereby directs that the following further amendment shall be made in the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, the same having been previously published as required by the said sub-section, namely:—

Amendment

In sub-clause (3) of clause 4 of the said Scheme, for the word "twelve", the word "fifteen" shall be substituted.

[No. Fac-73(79).]

New Delhi, the 22nd February 1955

S.R.O. 468.—The following draft of certain further amendments in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), is published as required by the said sub-section for the information of persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th March, 1955.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

In clause 41 of the said Scheme—

1. At the end of sub-clause (1), the following proviso shall be inserted, namely:—

   "Provided that, where wages are payable to workers at an interval of less than a month, the Board may in its discretion allow the amounts, other than gross wages, payable under sub-clause (1) to be paid monthly by such time as the Board may prescribe in this behalf."

2. After sub-clause (5), the following sub-clause shall be inserted, namely:—

   "(6) If any registered employer fails to make the payments due from him under sub-clause (1) within the time prescribed by the Board, the Board may, after giving notice to him in this behalf, suspend the supply of registered dock workers to him for such period as it may specify in this behalf but not beyond the date on which he makes such payments."

[No. Fac.-4(49).]

K. N. NAMBIAR, Under Secy.

New Delhi, the 21st February 1955

S.R.O. 469.—In pursuance of sub-rule (5) of rule 21 of the Minimum Wages (Central) Rules, 1950, the Central Government hereby approve the following purposes beneficial to the employees as purposes for which only the amount of fine imposed under sub-rule (3) of the said rule shall be utilised, namely:—

(1) Supply of special drugs for the use of employees.

(2) Educational facilities including literacy classes, handicraft education and reading rooms.

(3) Recreational activities including sports and games, dramas, music, film shows and bhajans.

(4) Other welfare activities including maintenance of creche (other than that required under any law for the time being in force), consumers stores and credit societies and grant of donations or interest free loans to workers in case of severe hardship or misfortune.

[No. LWI-2(6)/54.]

A. P. VEERA RAGHAVAN, Under Sec.

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 24th February 1955

S.R.O. 470.—In pursuance of clause 2 of the directions issued under the provisions of each of the enactments specified in the First Schedule to the Order of the Government of India in the Ministry of Information and Broadcasting, S.R.O. No. 331, dated the 3rd February 1955, the Central Government, with the previous approval of the Film Advisory Board, Bombay, hereby certifies the film specified in column 2 of the Schedule hereto annexed, in all its language versions, to be of the description specified against it in the corresponding entry of column 5 of the said Schedule.

SCHEDULE

S. No.	Title of the film	Name of the producer	Source of supply	Whether a scientific film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5
1	Indian News Review No. 332.	Govt. of India, Films Division Bombay	Govt. of India, Films Division. Bombay.	Film dealing with news and current events.

[No. 1/48/54-F: App/16]

D. KRISHNA AYYAR, Under Secy.

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